THE HON'BLE SRI JUSTICE V.V.S.RAO

AND

THE HON'BLE SRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION No.13917 of 2000

Dated: 07-06-2007

Between:

Chelikani Gopala Rao.

..... PETITIONER

AND

The District Collector (Agent to Government),
Khammam District, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

AND

THE HON'BLE SRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION No.13917 of 2000

ORDER: (per the Hon'ble Sri Justice V.V.S.Rao)

This writ petition is filed assailing the order of first respondent in C.M.A.No.4 of 1998 dated 02.07.2000 as being illegal and arbitrary and seeking a writ of Mandamus invalidating the same.

The brief fact of the matter is that the petitioner statedly purchased land admeasuring

Acs.4.00 in survey No.29 situated at Jaggaram Village, Dammapeta Mandal, Khammam District, from the father of fifth respondent under document dated 25.03.1957 and has been allegedly in possession of the same since then. Second respondent initiated *suo motu* action under Section 3(1) of the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 (Regulation No.I of 1959, for brevity). The proceedings, however, ended in favour of the petitioner and second respondent dropped the action by order dated 11.12.1974. Thereafter on three other occasions at the instance of fifth respondent, who pursued the proceedings on behalf of his father, action was initiated and the entire action was dropped on 11.12.1997. However, against the order dated 11.12.1997 passed by second respondent, fifth respondent preferred an appeal under Section 3(3)(a) of the Regulation No.I of 1959 before first respondent, who by impugned order dated 02.07.2000 set aside the orders of second respondent and ordered restoration of the land to fifth respondent.

After making submissions for sometime on the question of *res judicata* and placing reliance on the decision of the Supreme Court **Deputy Collector v. S. Venkata Ramanaiah**[1] the learned counsel for the petitioner, however, having regard to Section 6 of the Regulation No.I of 1959 seeks leave of this Court to approach Government by way of revision. In view of the facts and circumstances of the case, especially when there is a dispute as to whether the entries in the record of rights made in favour of the petitioner are sustainable or not, we deem it proper to give liberty to the petitioner to prefer revision before Government within a period of two weeks. We also observe that Government may accept revision and dispose of the same as expeditiously as possible preferably within a period of three months from the date of filing of the revision. As the writ petition is pending since 2000, we direct that *status quo* should be maintained for a period of four weeks, if the petitioner is still in possession.

The writ petition, with the above observations, is accordingly disposed of. We make no order as to costs.

V.V.S.RAO, J

G.V.SEETHAPATHY, J

07th June, 2007
ghn

[1] AIR 1996 SC 224